

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EVGENY OKMYANSKY,

Plaintiff,

v.

HERBALIFE INTERNATIONAL OF  
AMERICA, INC.,

Defendant.

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Civil Action No. 03-10574-JLT

ORDER

June 21, 2004

TAURO, J.

After the Hearing on June 21, 2004, this court hereby orders that:

1. The Parties are to file cross-motions for Summary Judgment on the underlying contractual issue of whether Defendant had authority to refuse to pay Plaintiff the commissions and bonuses in issue;
2. In their cross-motions for Summary Judgment, the Parties are to rely solely on, and are to make explicit reference to, the language of their contract;
3. The cross-motions for Summary Judgment must be filed by July 12, 2004;
4. Any responses to the cross-motions for Summary Judgment must be filed by July 26, 2004;
5. Defendant's Motion for Summary Judgment [#45] is DENIED WITHOUT PREJUDICE;

6. Defendant's Motion to Transfer Venue [#47] is DENIED WITHOUT PREJUDICE; and
7. Plaintiff's Motion to Compel Production of Documents and Further Answers to Interrogatories and for Sanctions [#38] has been withdrawn.

IT IS SO ORDERED.

/S/ Joseph L. Tauro  
United States District Judge